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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,394	12/18/2001	Kazuhiro Hayashi	Q67780	6473
65565 SUGHRUE-265	7590 07/28/200 5 550		EXAMINER	
2100 PENNSY	LVANIA AVE. NW		SWEARINGEN, JEFFREY R	
WASHINGTON, DC 20037-3213			ART UNIT	PAPER NUMBER
			2145	
			MAIL DATE	DELIVERY MODE
			07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/017,394	HAYASHI ET AL.			
Office Action Summary	Examiner	Art Unit			
	Jeffrey R. Swearingen	2145			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
Responsive to communication(s) filed on <u>06 M</u> . This action is FINAL . 2b) ☐ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 29-31 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 29-31 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or Application Papers 9) The specification is objected to by the Examine	vn from consideration. r election requirement. r.	-vaminer			
 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 					
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 20080215.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	nte			

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/6/2008 have been fully considered but they are not persuasive.

2. Applicant argues that Tsai fails to disclose a reproducing section which reproduces said data of pieces of music. Tsai is a karaoke system that plays music. When music is played, it is reproduced.

3. Applicant argues that Tsai fails to disclose a *portable terminal* that is *capable of being carried for* reproducing said data of pieces of music by a user. Tsai is a computer karaoke system. Any computer is located within a housing. Any computer can be moved from room to room, country to country, or even can be slid over an inch while connected to the network cable on the wall. This is routinely done so that a user can access the cables in the back of a wired computer more easily. Therefore, **any** computer is **portable**.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai (U.S. Patent No. 6,572,381).
- 6. In regard to claims 29-31 (all claims have equivalent subject matter), Tsai disclosed:

a storage section which stores data of pieces of music that a user possesses, and is adapted to store a number of plays of each of said pieces of music, column 8, lines 46-61 a reproducing section which reproduces said data of pieces of music, column 8, lines 46-

61

a transfer section that transfers the data, and column 8, lines 46-61

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a portable terminal adapted to reproduce the music while disconnected from the server apparatus, the portable terminal capable of being carried for reproducing said data of pieces of music by a user, comprising column 8, lines 46-61

an interface that receives the data transferred from the transfer section, column 8, lines 50-54

a terminal-side storage section that stores data received through the interface, and column 8, lines 46-61

an updating section that updates a number of plays of each piece of music that is reproduced, each time said reproducing is completed at the portable terminal, and that stores the updated number of plays of each of said pieces of music in the terminal-side storage section; column 22, lines 45-56

wherein, if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section are sent to the server apparatus, and the server apparatus updates the number of plays of each of said pieces of music stored in the storage section in accordance with the updated number of plays of each of said pieces of music stored in the terminal-side storage section. Column 22, lines 45-67

Conclusion

- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 8. Lee et al. US 6,799,201
- 9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can

normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Jeffrey R. Swearingen Examiner

Art Unit 2145

/J. R. S./

Examiner, Art Unit 2145

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2145